

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED LAFAYETTE

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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

BRANDON SCOTT LAVERGNE

LA. DOC #424229

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

CIVIL ACTION NO. 6:13-2194

SECTION P

JUDGE HAIK

MAGISTRATE JUDGE HILL

VERSUS

**UNIVERSITY OF LOUISIANA
AT LAFAYETTE**

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;


IT IS ORDERED that Lavergne's civil rights complaint be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirement of *Heck v. Humphrey* are met.

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's civil rights complaint be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) and (iii) for failure to state a claim upon which relief can be granted and because the University of Louisiana at Lafayette is considered an arm of the State entitled to Eleventh Amendment immunity from suit for monetary damages.

IT IS FURTHER ORDERED that Lavergne's claims under Louisiana State law be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is directed to send a copy of this Judgment to the Keeper of the Three Strikes List, Tyler, Texas.

THUS DONE AND SIGNED, in Lafayette, Louisiana, on this 10th day of March, 2014.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE